

### **Remarks**

Reconsideration of the application is respectfully requested in view of the foregoing amendments and following remarks. Claims 1-4, 17-18, and 25-32 remain in the application.

#### ***Patentability Over Hoarty, Davis, Hooper, and Inoue***

The Office has asserted a rejection of claims 1-4 as obvious over Hoarty, U.S. Patent No. 5,883,661 (“Hoarty”) in view of Davis, U.S. Patent No. 5,898,387 (“Davis”) and Hooper, U.S. Patent No. 5,414,455 (“Hooper”). The Office has asserted a rejection of claim 18 as obvious over Hoarty in view of Inoue, U.S. Patent No. 5,729,280 (“Inoue”). Applicants respectfully traverse.

#### ***Without two video-on-demand applications, the proposed combination cannot possibly teach or suggest translating there between***

#### ***Claim 1***

Applicants respectfully assert that the Office has failed to carry the burden of establishing a prima facie case of obviousness, because the art of record fails to teach or suggest a video system “wherein the control data communicated according to the first and second video-on-demand protocols is delivered via data packets transmitted according to a same TCP/IP network protocol.”

Specifically, claim 1 recites,

1. (currently amended) A video system comprising a video-on-demand server and a remote client, a video-on-demand application executing on the server, the video-on-demand application employing a first video-on-demand application control protocol comprising control data communicated to control a video-on-demand application, the client employing a second video-on-demand application control protocol comprising control data communicated to control a video-on-demand application, wherein the first video-on-demand application control protocol employed by the video-on-demand application is non-compatible with the second video-on-demand application control protocol employed by the client, the system further including a proxy interposed between the server and the client, the proxy including means for translating between the first and second video-on-demand application control protocols, wherein the server and client can communicate control data through the proxy even if the control data in the first and second protocols are different, and wherein change to either the first or second video-on-demand application control protocol can be accommodated by a change to the proxy rather than to the client or server, respectively and wherein the control data communicated

according to the first and second video-on-demand protocols is delivered via data packets transmitted according to a same TCP/IP network protocol.

The Office asserts that the “control data is given the broadest reasonable interpretation in the art.” See. e.g., Office Action mailed July 13, 2004, page 2, ¶2. However, Applicants respectfully submit that the broadest interpretation should be a broad interpretation of all the elements of the claim. For example, the “control data” at the server is a first video-on-demand application control protocol that is “non-compatible” with the “control data” at the client which is a second video-on-demand application control protocol.

Applicants respectfully submit that Hoarty fails to teach or suggest: (i) the control data is controlling an application and not how data packets move through a network; (ii) the control data is controlling video-on-demand and not how packets move through a network; (iii) the control data is translated from one VOD application control protocol to another VOD application control protocol instead of from one network packet header to another packet header; and (iv) the control data is translated by the proxy server because the control data comprising “first and second [VOD application control] protocols are different” as opposed to the network traffic control protocols being different.

Applicants respectfully submit that the Office has failed to carry the burden of establishing obviousness, because the art of record fails to teach or suggest “wherein the control data communicated according to the first and second video-on-demand protocols is delivered via data packets transmitted according to a same TCP/IP network protocol.” For example, the Office directs Applicants to the following passages in Hoarty,

Similarly, unless the context otherwise requires, the term “information service” includes any service capable of being furnished to a television viewer having an interface permitting (but not necessarily requiring) interaction with a facility of the broadband system provider, including but not limited to an interactive information service, video-on-demand, local origination service, community event service, regular broadcast service, etc.  
Col. 4, lines 29-36.

The communications gateway 26 acts as a translator between the IHOP 200 and the headend LAN connecting the distributed processes of the system manager 22. *The communications gateway 26 translates the IHOP address from an individual user into a*

*global Internet Protocol (IP) address for addressing ethernet data packets within the headend LAN. IP is part of TCP/IP.*  
Col. 14, lines 49-55.

The recited passages in Hoarty fail to teach or suggest “wherein the control data communicated according to the first and second video-on-demand protocols is delivered via data packets transmitted according to a same TCP/IP network protocol.”

Rather, the gateway in Hoarty “translates the IHOP address from an individual user into a global Internet Protocol (IP) address for addressing ethernet data packets.” Applicants respectfully submit that translating data packet headers, etc., to allow information to travel across different types of networks (e.g., LAN, WAN, broadband, LLEO, VHF/Telephony, radio frequency transmissions, etc.), fails to teach or suggest the recited arrangement. There is simply no discussion in the Examiner’s references about translating between video-on-demand application control protocols (i.e., “control data communicated to control a video-on-demand application”), nor any discussion of translation between same.

Next, the Examiner directs Applicants to the following passage in Davis,

The utility gateway enclosure according to the present invention also accommodates multiple interchangeable local area network (LAN) interface cards and wide area network (WAN) interface cards, such that multiple in-home communications media are simultaneously supported and can be changed simply by inserting a different LAN or WAN interface card. As a result, multiple and interchangeable LAN and WAN media are supported by simply changing electronic cards inserted into the slots of the utility gateway enclosure. Moreover, the gateway enclosure according to the present invention simultaneously supports multiple LAN media. *Col. 1, line 65, through col. 2, line 9.*

WAN transmissions between the headend terminal and the utility gateway according to the present invention may be, for example, broadband, LLEO, VHF/Telephony, or radio frequency transmissions. LAN or in-home transmissions between the downstream user terminal and the utility gateway according to the present invention may be, for example, hardwired, radio frequency, CEBus PLC (power line connector), or Echleon PLC transmissions. *Col. lines 38-45.*

The recited passages in Davis fail to teach or suggest “wherein the control data communicated according to the first and second video-on-demand protocols is delivered via data packets transmitted according to a same TCP/IP network protocol.”

Rather, the gateway in Davis simply translates between different network protocols for moving data--broadband, LLEO, VHF/Telephony, or radio frequency transmissions. Applicants respectfully submit that translating data packet headers, etc., to allow information to travel across different types of networks (e.g., LAN, WAN, broadband, LLEO, VHF/Telephony, radio frequency transmissions, etc.), fails to teach or suggest the recited arrangement. There is simply no discussion in the Examiner's references about translating between video-on-demand application control protocols ("i.e., control data communicated to control a video-on-demand application").

Next, the Examiner directs Applicants to the following passage in Hooper,

Customer commands can be demands for video services. While a video is being transferred to the CPE 10, customer commands can include VCR-like control functions, such as reverse, forward, and pause, generally not available for known broadcast or cable-TV services. *Col. 3, lines 41-46.*

The recited passage in Hooper fails to teach or suggest "wherein the control data communicated according to the first and second video-on-demand protocols is delivered via data packets transmitted according to a same TCP/IP network protocol."

Rather, Hooper simply describes customer commands with VCR like functions such as reverse, fast forward, and pause, but there is simply no discussion in the Examiner's references about translating between video-on-demand application control protocols (i.e., "control data communicated to control a video-on-demand application"). Finally, a Hoarty-Davis-Hooper combination fails to teach or suggest "a proxy interposed between the server and the client, the proxy including means for translating between the first and second video-on-demand application control protocols (i.e., "control data communicated to control a video-on-demand application").

To establish a prima facie case of obviousness, the Office must direct applicants to references that teach or suggest all of a claim's limitations. Applicants respectfully submit that the Office has failed to carry the burden of establishing obviousness, because the cited art of record fails to teach or suggest "wherein the control data communicated according to the first and second video-on-demand protocols is delivered via data packets transmitted according to a same TCP/IP network protocol."

For at least this reason amended claim 1 is in condition for allowance. Such action is respectfully requested.

***Claims 2-4***

Amended claims 2, 3 and 4 depend from claim 1. Since they depend from claim 1, they should be allowed for at least the reasons stated for claim 1. In view of the foregoing discussion of claim 1, the merits of the separate patentability of dependent claims 2, 3, and 4 are not belabored at this time. Claims 2, 3 and 4 should be allowable. Such action is respectfully requested.

[End conclusion arguments—along with dependent claims]

***Independent Claims 2, 3, 4, 14, 24, 28, 29***

Applicants respectfully submit that for reasons similar to those stated above, the Garrett-Slotznick combination fails to teach or suggest the following features:

Claim 2 - “an editable event-associated recipient list comprising two or more recipients previously sent products by a customer in association with a periodic event and associated separately with each recipient in the editable event-associated recipient list, a description of a product similar to a product the recipient was sent last year in association with the periodic event”

Claim 3 - “a periodic event based editable recipient list of last year’s event purchases associated with the identifier, the periodic event based editable recipient list comprising ... plural recipients sent products in response to a previous order made by a customer associated with the identifier for the periodic event last year, each recipient on the list having a name, an address, a previously-sent product identification for only previously-sent selections ordered by the customer for the recipient last year in association with the periodic event”

Claim 4 - “an event-associated editable recipient list comprising a list of plural recipients previously shipped one or more items selected by a customer last year in a prior transaction associated with an annual event, the listing also having associated with each recipient, an identification of an item previously shipped to a recipient last year for the annual event”

Claim 14 - “a periodic event-associated editable recipient list comprising a list of plural recipients, each recipient on the list comprising, an identification of a previously shipped one or more items selected by a customer last year as a gift to the recipient in association with a periodic event, wherein the previously shipped one or more items were purchased by the customer in a prior on-line transaction”

Claim 24 - “event-associated editable recipient lists with plural recipients on each recipient list, wherein recipients on a returned web page were obtained from one or more transactions conducted by a customer and associated with an event, and a web page returned to the customer

further comprises for each recipient on a list, a product received by the recipient last year in association with the event”

Claim 28 - “an event based recipient list reorder page comprising a list of recipients sent products last year by a specific customer in association with a specific annual event; and for plural recipients on the list, a description of a product previously sent to the recipient last year in association with the specific annual event”

Claim 29 - “a template describing a periodic event-associated editable recipient list reorder web page comprising plural recipients ... for each recipient, a per recipient layout with, an identifier of a product previously sent to the recipient last year in association with the periodic event”

Since the Garrett-Slotznick combination fails to teach or suggest these features of independent claims 2, 3, 4, 14, 24, 28, 29, they should be allowable. Such action is respectfully requested.

***Dependent Claims 5-13, 15-23, and 25-27***

Claims 5-13, 15-23, and 25-27 depend from the above allowable independent claims. Since claims 5-13, 15-23, and 25-27 depend from the above allowable independent claims, they should be allowed for at least the above reasons. Such action is respectfully requested.

***Patentability over Hoarty***

The Office has asserted a rejection of claims 17, 19, and 25-32 as anticipated over Hoarty, U.S. Patent No. 5,883,661 (“Hoarty”). Applicants respectfully traverse. Additionally, Applicants respectfully point out that claim 19 was previously cancelled.

***Without two video-on-demand applications, Hoarty cannot possibly teach or suggest translating there between***

***Claim 25***

Applicants respectfully submit that the Office has failed to establish anticipation, because Hoarty fails to teach or suggest a “proxy server ... translating the received control data into control data representing a video control action in the second control protocol.” Specifically, claim 25 recites,

25. (previously presented) In a video-on-demand system comprising plural video-on-demand clients requesting video programs according to a first video server control protocol,

and a head-end serving video programs according to a second video server control protocol, interposing a proxy server computer between the head-end and the plural clients, the proxy server performing a method comprising:

- from a client, receiving control data representing a video server control action in the first protocol;
- translating the received control data into control data representing a video control action in the second control protocol;
- and
- sending the translated control data to the head-end.

The Office asserts that the “control data is given the broadest reasonable interpretation in the art.” However, Applicants respectfully submit that the broadest interpretation should be a broad interpretation consistent with every element of the claims. For example, the “control data” is a first video-on-demand application control protocol executing on the server, that is translated into the second video-on-demand application control protocol employed by the client.

Hoarty fails to teach or suggest: (i) the control data is controlling an application and not data packets moving through a network; (ii) the control data is controlling video-on-demand and not packets moving through a network; (iii) the control data is translated from one application control protocol to another application control protocol instead of from one network packet header to another packet header; and (iv) receiving control data from a client representing a video server control action in the first protocol and translating the received control data into control data representing a video control action in the second control protocol, and sending the translated control data to the head-end.

For example, the Office asserts that Hoarty “translates the received control data (where the control data includes address information along with control commands).” Applicants respectfully submit that there is no discussion of translating VOD application control commands in Hoarty. Further, Applicants respectfully submit that an ordinary artisan in possession of Hoarty would not be aware of plural VOD application control protocols or translating there between.

Applicants respectfully submit that the Office has failed to establish anticipation, because Hoarty fails to teach or suggest “a proxy interposed between the server and the client, the proxy including means for translating between the first and second video-on-demand application control protocols.” For example, the Office directs Applicants to the following passages in Hoarty,

Similarly, unless the context otherwise requires, the term “information service” includes any service capable of being furnished to a television viewer having an interface permitting (but

not necessarily requiring) interaction with a facility of the broadband system provider, including but not limited to an interactive information service, video-on-demand, local origination service, community event service, regular broadcast service, etc. Col. 4, lines 29-36.

Interactive television service is generally individual to the particular requesting subscriber. Although, there may be instances where an interactive service can be shared by more than one subscriber such as in the case of near-video-on-demand where more than one subscriber is requesting a movie that begins at the same time. Col. 5, lines 11-15.

The communications gateway 26 acts as a translator between the IHOP 200 and the headend LAN connecting the distributed processes of the system manager 22. The communications gateway 26 translates the IHOP address from an individual user into a global Internet Protocol (IP) address for addressing ethernet data packets within the headend LAN. IP is part of TCP/IP. Col. 14, lines 49-55.

The recited passages in Hoarty fail to teach or suggest a “proxy server ... translating the received control data into control data representing a video control action in the second control protocol.”

For example, the gateway described in Hoarty translates the address identifying where control data is sent and received, but fails to teach or suggest translating the video-on-demand control data itself. Thus Hoarty fails to teach or suggest a “proxy server ... translating the received control data into control data representing a video control action in the second control protocol.”

For at least this reason, claim 25 is allowable. Such action is respectfully requested.

### ***Claims 26-27***

Amended claims 26 and 27 depend from claim 25. Since they depend from claim 25, they should be allowed for at least the reasons stated for claim 25. In view of the foregoing discussion of claim 25, the merits of the separate patentability of dependent claims 26 and 27 are not belabored at this time. Claims 26 and 27 should be allowable. Such action is respectfully requested.

### ***Independent Claims 17, 28, 31, and 32***

Applicants respectfully submit that for reasons similar to those stated above, such as for claim 25, Hoarty fails to teach or suggest the following features:



Claim 17 - “a second video server application control protocol incompatible with the first video server application control protocol... wherein the proxy server receives and transmits instructions with the video server, with the first client, and with the second client according to the same network control protocol.”

Claim 28 - “sending, according to the first network control protocol, the translated control data to a head-end serving video-on-demand programs according to the second video-on-demand server control protocol.”

Claim 31 - “wherein the sent and received application control data comprising the first and second video-on-demand application is transmitted according to a same network communication protocol.”

Since Hoarty fails to teach or suggest these features of independent claims 17, 28, 31, and 32, they should be allowable.

***Dependent Claims 18, 29, and 30***

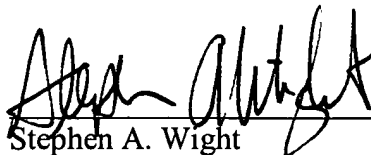
Claims 18, 29, and 30 depend from the above allowable independent claims. Since claims 18, 29, and 30 depend from the above allowable independent claims, they should be allowed for at least the above reasons. Such action is respectfully requested.

**Conclusion**

The claims in their present form should now be allowable. Such action is respectfully requested.

Respectfully submitted,

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